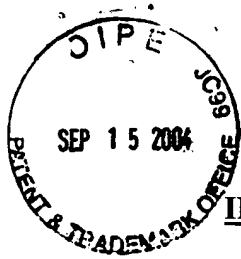


9-16-04

IFW\$



Docket No. 5000-5141

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Motoharu Tanizawa

Group Art Unit: 1742

Serial No.: 10/763,686

Examiner: Ip, Sikyin

Filed: January 23, 2004

For: HEAT RESISTANT MAGNESIUM ALLOY FOR CASTING AND HEAT-
RESISTANT MAGNESIUM ALLOY CAST PRODUCT

TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(C)
TO OBVIATE PROVISIONAL DOUBLE PATENTING REJECTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Identity of Assignee

The petitioner, Kabushiki Kaisha Toyota Jidoshokki, having a business address at 2-1, Toyoda-cho, Kariya-shi, Aichi-ken, 448-8671, Japan is the owner of the entire right, title and interest in the above-identified application, Serial No. 10/763,686, by virtue of an assignment recorded on January 23, 2004, at Reel/Frame No(s) 014935/0961. The petitioner is also the owner of the entire, right, title and interest in U.S. Patent Application Serial No. 10/702,567, by virtue of an assignment recorded on November 5, 2003 at Reel/Frame No. 014685/0868.

Identification of Person(s) Making This Disclaimer

Disclaimant, Steven F. Meyer, represents that he is a Registered Patent Attorney Registration No. 35,613, and an Attorney of Record for the above-identified application, and authorized to sign on behalf of the assignee identified above.

Extent of Interest

The extent of assignee's interest is in the whole of this invention.

Declaration Under 37 C.F.R. 3.73(b)

I, the undersigned, have reviewed all the documents in the chain of title of the patent application identified above and, to the best of my knowledge and belief, title is in the assignee identified above.

Disclaimer

The petitioner, through its Attorney of Record, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, of United States Patent Application Serial No. 10/702,567, upon issuance. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and a United States Patent issuing from United States Patent Application Serial No. 10/702,567 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of a U.S. Patent issuing from United States Patent Application Serial No. 10/702,567, in the event that U.S. Patent issuing from United States Patent Application Serial No. 10/702,567 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by

a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Fee Status

(37 C.F.R. 1.20(d) and 37 C.F.R. 1.321)

- ☒ large entity--fee \$110.00
☐ small entity--fee \$55.00

Fee Payment

- ☒ Attached is a check in the sum of \$110.00.
☐ Charge Deposit Account 13-4500, Order No. _____ any fee required by this paper.

AUTHORIZATIONS:

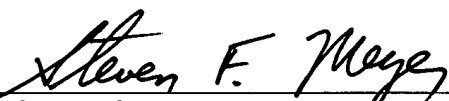
The Commissioner is hereby authorized to charge any additional fees which may be required for timely consideration of this Terminal Disclaimer under 37 C.F.R. §§1.16 -§1.20 or credit any overpayment to Deposit Account No. 13-4500, Order No. 5000-5141. A

DUPLICATE COPY OF THIS DISCLAIMER IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: September 15, 2004

By: _____


Steven F. Meyer
Registration No. 35,613

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